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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,408	03/06/2002	Shinya Kano	FUJR 19,479	7952
26304	7590	01/25/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				HAMANN, JORDAN J
		ART UNIT		PAPER NUMBER
				2667

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,408	KANO, SHINYA	
	Examiner	Art Unit	
	Jordan Hamann	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 10-16 is/are rejected.
- 7) Claim(s) 7-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 March 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10, 15 &16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dantu et al. (US 6,532,088 B1).

With respect to claims 1, 10, 15 & 16, Dantu discloses a network system with failure recovery functions comprising:

a plurality of packet transmission units with failure recovery functions which restores communication over an optical network, comprising:
label table management means for managing a label table which associates incoming labels related to incoming transmission data with outgoing labels related to outgoing transmission data (Figure 3 Element 340 and column 8 lines 44-50);

transmission means for controlling label-switched routing of the incoming transmission data, based on the label table (Figure 3 and column 8 lines 10-16);
path set-up means for establishing a loop-shaped protection path that includes a part or whole of transmission links of an existing working path and would allow

transmission data to flow in the opposite direction to that of the working path(Figure 3 and column 8 lines 10-16); and

failure recovery means for executing a failure recovery process when a failure occurs on the working path, by changing the association between the incoming and outgoing labels stored in the label table, so as to switch the failed part of the working path to the loop-shaped protection path (column 4 lines 41-44).

With respect to claim 11, the method claim is interpreted and rejected for the same reason as set forth in the apparatus claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 & 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dantu et al. (US 6,532,088 B1).

With respect to claims 2 &12, Dantu discloses the transmission unit according to claim 1 and the failure recovery method according to claim 11, wherein the path set-up means establishes a closed loop protection path.

Dantu does not expressly disclose selecting one particular node on the working path and then drawing a closed-loop path that starts from the selected node and returns to the same selected node, however it would have been obvious to a person of ordinary skill in the art that that is one possible way for establishing a closed loop.

With respect to claims 3, 4, 13 & 14, Dantu discloses in column 8 lines 45-51 the transmission unit according to claim 1, wherein the label table management means manages:

- (a) a working-path label table, each entry of which comprises:
 - a working-path input parameter field storing an input interface identifier of the working path and an incoming label associated therewith, and a working-path output parameter field storing an output interface identifier of the working path and an outgoing label associated therewith;
- (b) a protection-path label table, each entry of which comprises:
 - a protection-path input parameter field storing an input interface identifier of the protection path and an incoming label associated therewith, and
 - a protection-path output parameter field storing an output interface identifier of the protection path and an outgoing label associated therewith; and
- (c) a detour-path label table used to define a detour path for bypassing the failed portion of the working path.

Rosen et al define MPLS in Request For Comments 3031.

With respect to claims 5 & 6, it is well known in SONET and SDH networks to have a plurality of working paths associated with a protection path, known as 1:N protection.

Conclusion

Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJH


CHI PHAM
EXAMINER
1/20/06